UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,444	07/31/2001	Paul Dennis Stultz	M-11710 US	4212

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EXAMINER
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ART UNIT	PAPER NUMBER
2137	

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/919,444	STULTZ ET AL.
	Examiner	Art Unit	
	Michael Pyzocha	2137	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _02 February 2006_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,3-12,14-24 and 26-32_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,3-12,14-24 and 26-32_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1, 3-12, 14-24, 26-32 are pending.

2.   Amendment filed 02/02/2006 has been received and

considered.

Specification

3.   The objection to the specification has been withdrawn based

on the filed amendment.

Claim Rejections - 35 USC § 112

4.   The rejections made under the first and second paragraphs

of 35 U.S.C. 112 have been withdrawn based on the filed

amendment.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which

forms the basis for all obviousness rejections set forth in this

Office action:

> (a) A patent may not be obtained though the invention is not identically
> disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at
> the time the invention was made to a person having ordinary skill in the
> art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

6.   Claims 1, 3-12, 14-24, 26-32 are rejected under 35

U.S.C. 103(a) as being unpatentable over NEC and in view of

Microsoft Computer Dictionary (Third Edition, 1997) (hereinafter

Microsoft), further in view of Hobson et al (US 6065067) and

further in view of Willner et al (US 6064666).

As per claims 1, 12, 23-24, NEC discloses a computer

system, method and computer program product comprising: a

processor; a memory coupled to the processor, the memory storing

a pre-selected input characteristic; a stored password;

instructions, during a POST procedure when extended security is

enabled, causing the computer system to enter a mode non-

responsive to inputs except the pre-selected input; instructions

causing the processor to compare a first input entered by the

user to the pre-selected input characteristic; instructions

causing the processor to ignore an input during a power-on self

test procedure unless the first input matches the pre-selected

input characteristic (see page 2-18); instructions causing the

processor to prompt a user of the computer system for a password

when the first input matches the pre-selected input

characteristic; instructions causing the processor to compare a

password entered by the user to the stored password; and

instructions causing the processor to process inputs during the

power-on self test procedure subsequent to the first input when

the password entered by the user matches the stored password
(see page 2-29) and masking a processor from the inputs from an
input/output device during power-on self test; and the reception
of the input that corresponds to the predetermined data is
performed by the processor (see page 2-18).

NEC fails to disclose the memory further stores
instructions causing the processor to process inputs other than
the first input if the password entered by the user is entered
within a pre-specified period of time after the user is
prompted.

However, Microsoft teaches this method of a timeout (see
page 469).

At the time of the invention it would have been obvious to
a person of ordinary skill in the art to use Microsoft's method
of a time out for the password of the NEC system.

Motivation to do so would have been to protect it against
crackers (see Microsoft page 469).

The modified NEC and Microsoft system fails to disclose in
response to a password entry, the processor ignores an input
other than the pre-selected input characteristic if the password
is not entered within a pre-specified time period after the
prompt; and the password is entered within the pre-specified
time period, but there is no match with the stored password.

However, Hobson et al teaches restarting the computer when an incorrect BIOS password is entered (see column 3 lines 14-26); and Willner et al teaches performing the same action when either an incorrect password is entered or a timeout has occurred (see column 12 lines 9-13).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to restart the modified NEC and Microsoft system if an incorrect password is entered or a timeout occurs.

Motivation to do so would have been to protect against changing the system resources (see Hobson et al column 3 lines 14-26), and to block a request (see Willner et al column 12 lines 14-22).

As per claims 3-4, 14-15, the modified NEC, Microsoft, Hobson et al and Willner et al system discloses the data corresponds to an F2 key (see NEC page 2-18).

As per claims 5, 16, 26, the modified NEC, Microsoft, Hobson et al and Willner et al system discloses the processing of inputs other than the first input enables the user to access a system setup procedure (see page NEC 2-18).

As per claims 6, 17, 27, the modified NEC, Microsoft, Hobson et al and Willner et al system discloses the processing

of inputs other than the first input enables the user to request

boot functions (see page NEC 2-25).

As per claims 7, 18, 28, the modified NEC, Microsoft,

Hobson et al and Willner et al system discloses the processing

of inputs other than the first input enables the user to reboot

the computer system (see NEC page 2-9).

As per claims 8, 19, 29, the modified NEC, Microsoft,

Hobson et al and Willner et al system discloses the processing

of inputs other than the first input enables the user to switch

off a power supply of the computer system (see NEC page 2-8).

As per claims 9, 20, 30, the modified NEC, Microsoft,

Hobson et al and Willner et al system discloses the processing

of inputs other than the first input enables the user to access

an Option Read Only Memory utility (see NEC pages 2-18 through

2-33).

As per claims 10, 21, 31, the modified NEC, Microsoft,

Hobson et al and Willner et al system discloses the processing

of inputs other than the first input enables the user to halt a

power-on self-test function (see NEC page 2-17 and entering the

setup halts the POST).

As per claims 11, 22, 32, the modified NEC, Microsoft,

Hobson et al and Willner et al system discloses the processing

of inputs other than the first input enables the user to omit a

power-on self-test function (see rejection of claims 8, 19, 29

where it is clear that powering the system off will omit the

POST).

Response to Arguments

7.   Applicant's arguments filed 05/09/2005 have been fully

considered but they are not persuasive. Applicant argues: the

modified NEC and Microsoft system fails to disclose the newly

added limitations; and the combination of NEC and Microsoft is

based on hindsight.

Applicant's argument that the modified NEC and Microsoft

system fails to disclose the newly added limitations is moot in

view of the re grounds of rejection.

Regarding Applicant's argument that the examiner's

conclusion of obviousness is based upon improper hindsight

reasoning, it must be recognized that any judgment on

obviousness is in a sense necessarily a reconstruction based

upon hindsight reasoning. But so long as it takes into account

only knowledge which was within the level of ordinary skill at

the time the claimed invention was made, and does not include

knowledge gleaned only from the applicant's disclosure, such a

reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392,

170 USPQ 209 (CCPA 1971).

Conclusion

8.   Applicant's amendment necessitated the new ground(s) of

rejection presented in this Office action. Accordingly, **THIS**

ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is

reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action

is set to expire THREE MONTHS from the mailing date of this

action. In the event a first reply is filed within TWO MONTHS

of the mailing date of this final action and the advisory action

is not mailed until after the end of the THREE-MONTH shortened

statutory period, then the shortened statutory period will

expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated

from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than

SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier

communications from the examiner should be directed to Michael

Pyzocha whose telephone number is (571) 272-3875. The examiner

can normally be reached on 7:00am - 4:30pm first Fridays of the

bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP

EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER